

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

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215-597-2995

May 4, 2005

Michael Belgrave
311 Taft
Cleveland, TX 77327

Re: Undocketed in Third Circuit Court of Appeals
(D. Del. Bankr. No. 02-12152 (J.D.))

FILED
MAY -6 2005
U.S. COURT OF APPEALS
THIRD CIRCUIT
CLERK

Dear Mr. Belgrave:

The enclosed notice of appeal is forwarded to the Clerk of the United States District Court for the District of Delaware for such action, if any, that Court deems appropriate. It does not appear that this Court has authority to take any action in regard to it. The notice was received in this Court on May 4, 2005.

Under the version of 28 U.S.C. § 158(d) currently in effect, a court of appeals has no authority to consider an appeal from a bankruptcy court. Such an appeal must be directed in the first instance to the district court. 28 U.S.C. § 158(a). Since no district court number is identified in your notice of appeal, we must conclude that you have not yet completed the appeal process in the district court. Therefore this Court has no authority to consider the matter unless an appeal is filed from a decision rendered by the district court in the initial appeal.

In any event, even if you have completed the appeal process in the district court, a notice of appeal seeking to initiate an appeal in this Court must be filed with the clerk of the district court as required by Rules 3 and 4, Federal Rules of Appellate Procedure. This Court may not take any action in regard to a notice of appeal until the notice has been entered on the District Court docket and has been certified to this Court by the clerk of the district court.

Very truly yours,

Marcia M. Waldron, Clerk

By:

/s/ Bradford A. Baldus
Bradford A. Baldus
Senior Legal Advisor to the Clerk

cc: Peter T. Dalleo, Clerk (with enclosure)